

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIACOM INTERNATIONAL INC., ET AL.,)	
)	
Plaintiffs,)	ECF Case
v.)	Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,)	
)	
Defendants.)	
THE FOOTBALL ASSOCIATION)	
PREMIER LEAGUE LIMITED, ET AL.,)	
on behalf of themselves and all others)	
similarly situated,)	ECF Case
)	
Plaintiffs,)	Civil No. 07-CV-3582 (LLS)
v.)	
YOUTUBE, INC., ET AL.,)	
)	
Defendants.)	

**SUPPLEMENT TO
THE DECLARATION OF ANDREW H. SCHAPIRO
IN SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY
JUDGMENT AND DEFENDANTS' OBJECTIONS TO
EVIDENCE AND MOTION TO STRIKE MATERIAL
FROM VIACOM'S SUMMARY JUDGMENT
SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS'
RULE 56.1 STATEMENT**

Schapiro Exhibit 78

Page 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION LLC,)
)
Plaintiffs,)
vs.) Case No. 07CV2203
YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
)
Defendants.)
)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
vs.) Case No. 07CV3582
YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF TINA EXARHOS

NEW YORK, NEW YORK

MONDAY, FEBRUARY 23, 2009

REPORTED BY:
ERICA RUGGIERI, CSR, RPR
JOB NO: 16507

DAVID FELDMAN WORLDWIDE, INC.
805 Third Avenue, New York, New York 10022 (212) 705-8585

Page 2

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3

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February 23, 2009

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9:36 a.m.

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7

VIDEOTAPED DEPOSITION OF TINA

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EXARHOS, held at the offices of Wilson
Sonsini Goodrich & Rosati, 1301 Avenue of,
New York, New York, pursuant to notice,
before before Erica L. Ruggieri,
Registered Professional Reporter and
Notary Public of the State of New York.

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Page 3

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2 A P P E A R A N C E S

3 FOR THE PLAINTIFFS:

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8 (202) 639-6000

9 Swilkens@jenner.com

10

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17 Bvolkmer@wsgr.com

18 - and -

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20 BY: JASON KIRSCHNER, ESQ.

21 1675 Broadway

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23 (212) 506-2500

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25

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Page 4

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2 A P P E A R A N C E S: (Cont'd)

3

4 ALSO PRESENT:

5 MICHELENA HALLIE, MTV Networks

6 CARLOS KING, Videographer

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1 T. EXARHOS

2 article or interview.

3 Can I read it?

4 MR. WILKENS: If you need to
5 read it, take your time and read it

6 THE WITNESS: Yeah, I don't
7 remember, so I'd like to read it.

8 MR. VOLKMER: Sure.

9 (Witness reads document.)

10:37:18 10 A. Okay.

11 Q. So having read the article, do
12 you recall being interviewed for it?

13 A. I don't remember the exact
14 interview, but I do remember the article.

10:37:25 15 Q. And who did you talk with in
16 connection with this article?

17 A. Again, I don't recall the
18 interview, but I'm sure it was the
19 reporter.

10:37:41 20 Q. Mr. Morrissey?

21 A. Brian Morrissey.

22 Q. Do you remember speaking with
23 Mr. Morrissey about these issues?

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1 T. EXARHOS

2 Q. Do you recall sending any
3 e-mails about this article?

4 A. I don't recall.

10:37:58 5 Q. In the second page, the third
6 paragraph, there's a quote from you,
7 saying "For MTV, giving promotional clips
8 was a no brainer, because it didn't have
9 to pay for placement."

10:38:14 10 That refers to giving
11 promotional clips to YouTube, correct?

12 A. Yes.

13 Q. And is that an accurate quote?

14 A. Yeah. I don't remember the

10:38:30 15 interview, but I don't see anything that I
16 disagree with, so.

17 Q. And you believed that providing
18 promotional clips to YouTube was a no
19 brainer, correct?

10:38:39 20 A. Yes, I believed it was, you
10:38:39 21 know, a good way to market some of our
10:38:39 22 priority shows, amongst other things. But
10:38:39 23 yes, I think that it was a mutual --
10:38:39 24 mutually beneficial relationship. They
10:39:01 25 were receiving valuable content that we

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1 T. EXARHOS

2 were providing, and they were providing
3 good promotional placement for us.

4 Q. And the promotional clips that
5 MTV provided to YouTube, they were
6 authorized to be on YouTube, correct?

7 A. The ones that I'm referring to?

8 Q. Right. They were authorized to
9 be on YouTube, correct?

10:39:24 10 A. Correct.

11 Q. Do you know what the term
12 content council refers to?

13 A. It was a meeting.

14 0. A single meeting?

10:39:38 15 A. I don't recall exactly how many
16 meetings, but I think that it might have
17 been a -- it might have been a one-time
18 meeting that we did. I don't remember if
19 it was more than one meeting.

10:39:54 20 Q. And what was the topic of the
21 meeting?

22 A. If it's the meeting that I think
23 we are talking about, we discussed just
24 kind of in the changing environment -- you
25 know what, I can tell you what I know I

10:40:14 25 know what, I can tell you what I know I

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